REMARKS

Reconsideration and further examination of the subject patent application in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-38 are currently pending in the application. Claims 1-2, 8-9, 12-16, 22-23 and 26-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Landsman et al. (U.S. Pat. No. 6,785,659) in view of Wen et al. (U.S. Pub. No. 2002/0161896) and further in view of Shambaugh et al. (U.S. Pat. No. 6,804,668). Claims 3-7, 10-11, 17-21 and 24-25 have been rejected as unpatentable over Landsman et al. ("Landsman") in view of Wen et al. ("Wen") and further in view of Anderson et al. (U.S. Pat. No. 6,684,250) and claims 29-31 have been rejected as being unpatentable Landsman in view of Wen in further view of Nixon et al. (U.S. Pat. No. 6,513,060) and in further view of Shambaugh et al. ("Shambaugh"). Claims 31-38 have been rejected as being unpatentable over Landsman in view of Wen and Nixon et al. ("Nixon") and in further view of Anderson et al. ("Anderson"). The Office Action indicates that it is a final action, however, in a telephone conference between applicants attorney, James A. Scheer and the Examiner on June 22, 2006, the Examiner stated that the Office Action was not final. No substantive subject matter was discussed. Claims 23, 24 and 29 have been amended. After careful review of the claims and references, applicant believes that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-2, 8-9, 12-16, 22-23 and 26-28 have been rejected as obvious over Landsman, in view of Wen and Shambaugh and claims 29-31 were similarly rejected further in view of Nixon. Landsman teaches a technique for implementing in a networked client-server environment but does not teach any of the claim elements of the independent claims 1, 15, and 29.

With regard to the first element of claims 1, 15 and 29, the Examiner suggests that receiving a request from an Internet requester by a website for a communication session with an agent of the website is taught by col. 19, lines 22-51 of Landsman. However, the AdController agent of Landsman is requested from and downloaded from the agent server 15 not the website, so there is no request received by the website from an Internet requester. Furthermore, the downloading of the AdController agent constitutes the mere mechanical act of downloading, it is not a communication session with a human agent or a request for a communication session with a human agent. In fact, the AdController is installed within the browser (Landsman et al., col. 19, lines 54-57). Thus, there could not be any communication session between an Internet requester and an agent of the website, because the only possible "agent" is the AdController which is downloaded not engaged in a communication session. The browser 7 with the AdController installed can not establish a communication session with itself. Thus, Landsman does not teach this feature.

Regarding the second element of claims 1, 15 and 29, the Examiner suggests that analyzing browser associated information relating to the request is taught by col. 19, lines 22-51 of Landsman. However, Landsman does not teach analyzing browser associated information, no analysis occurs in Landsman. Rather, a file with an advertising tag is downloaded to the browser and the browser responds by initiating the downloading of the AdController. Thus, the downloading of the AdController occurs in response to a tag delivered to the browser without any analysis of browser associated information (see specification p. 0020).

The third element of claims 1, 15 and 29 is also missing from Landsman. The Examiner suggests that selecting an agent for the communication session based upon a content of the analyzed browser associated information is taught by col. 19, lines 35-51 of Landsman.

However, the AdController agent in Landsman is only a single entity (which is used for a different purpose than that of the claimed invention). Therefore, there can not be any selection, nor is there a communication session with an agent.

The Examiner admits that Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information but relies upon Wen asserting that Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19)" (Office Action of 8/11/05, page 7). The difficulty with the Examiner's position, however, is that Landsman is directed to an AdController agent that downloads ads. If the Landsman AdController were modified to process chat sessions as in Wen, then the Landsman AdController would be rendered inoperable for its intended purpose of selecting ads.

Because of the clear differences defined by the claimed invention, the combination of Landsman and Wen fail to provide any teaching or suggest of any of the elements of claims 1, 15 and 29. Further, neither Nixon nor Shambaugh teach the missing elements. In this regard, the Examiner has clearly failed to meet his burden of establishing the prima facie case of obviousness. Accordingly, applicants believe independent claims 1, 15, and 29 are allowable over any combination of the cited references. Further, the dependent claims 2-14, 16-28 an 30-38 are similarly believed to be allowable because they depend from allowable base claims 1, 15 and 29.

Regarding claims 2 and 16, the Examiner admits that Landsman does not disclose "retrieving a list of router identifiers", but asserts that "Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.)(other companies imply other routers.)" (Office Action of 8/11/05, page 4). However, a review of Wen reveals that Wen not only does not

disclose routers; but, instead, merely discusses the transferring of chat sessions without any teaching regarding routers. In addition, there is no mention of any "list of router identifiers" within Wen or of defining a path from the requester to the website. As such, the combination of Landsman and Wen clearly fails to teach or suggest this claim limitation.

With regard to claim 23, the claim now calls for means for determining a location and means for selecting a human agent closest to the location (see paragraph 0021). This feature of selecting an agent closest to the requester location is not taught by Landsman or any of the other references.

Claims 3-7, 10-11, 17-21 and 24-25 have been rejected as being obvious over Landsman in view of Wen and Anderson. With regard to claims 3, 4, 17 and 18 the Examiner suggests that the method step of (and apparatus for) identifying a locale of an IP packet router in a closest relative location to the requester and identifying an agent in the identified locale of the closest relative router is taught by the combination of Landsman, Wen and Anderson. The Examiner admits that "Neither Landsman nor Wen addresses the relative location of a router. However Anderson discloses such limitation extensively. (See abstract)" (Office Action of 4/5/05, page 6). However, the abstract of Anderson simply discusses the geographic location of a network address. This is entirely different than the locale of an IP packet router. Further, Anderson only teaches determining a location; but does not teach or suggest using that location to identify an agent in the identified locale. As such, these claim elements are also not taught or suggested by any combination of the cited references.

With regard to claims 5 and 19 the Examiner suggests that the method step of (and apparatus for) determining an organizational affiliation of the requester from a domain name of the request is taught by the combination of Landsman, Wen and Anderson. The Examiner

admits that "Neither Landsman nor Anderson specifically address determining an organizational affiliation of the request from a domain name of the request. However Wen discloses organization affiliation, (see paragraph 27, last sentence) and domain name (See paragraph 32)" (Office Action of 8/11/05, page 11). However, the mere mention of a domain name (as in the referenced sections of Wen) does not teach or suggest the determination of an organization affiliation based upon this information. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 6 and 20 the Examiner suggests that the method step of (and apparatus for) retrieving a list of agents qualified to service communication sessions with the determined organization is taught by the combination of Landsman, Wen and Anderson. The Examiner admits that "Neither Landsman nor Anderson specifically address retrieving a list of agents qualified to service communication sessions with the determined organization. However Wen discloses such limitation, (see paragraphs 28, 29, 30, 31)" (Office Action of 8/11/05, page 12). However, the mere mention of the transfer of chat sessions (as in the referenced sections of Wen) does not teach or suggest retrieving a list of human agents qualified to service communication sessions with the determined organization. As such, these claim elements are also not taught or suggested by the combination.

With regard to claims 10, 24, 36 and 37 the Examiner suggests that a communications capability index is taught by the combination of Landsman, Wen and Anderson. The Examiner admits that "Neither Landsman nor Wen specifically addresses a communications capability index. However Wen discloses a confidence factor (an index). (See abstract)" (Office Action of 8/11/05, page 13). However, a confidence factor relating to a geographic location is an entirely different concept than a communication capability index. As such, these claim elements are also

not taught or suggested by the combination.

Claims 29-31 have been rejected as being obvious over Landsman in view of Wen, Nixon and Shambaugh. With regard to claim 29, in addition to the above discussed distinguishing features, claim 29 as amended now calls for browser associated information comprises at least one of information delivered to a server along with the information request from the browser, router information retrieved by the server based upon the URL of the browser, or information retrieved by the server from the browser about communication sessions with other servers.

In this case, the downloading of the AdController is not information delivered to a server along with the information request from the browser. Instead, the downloading of the AdController occurs based upon information delivered to the browser 7. Similarly, the downloading of the AdController is not router information retrieved by the server based upon the URL of the browser or information retrieved by the server from the browser about communication sessions with other servers. The downloading of the AdController is not router information because Landsman does not address the issue of routers or routing.

The downloading of the AdController is also not information retrieved by the server from the browser about communication sessions with other servers for reasons on several levels. On a first level the AdController operates from within the browser 7 and therefore would obviate any need for any advertising server to retrieve information about other servers. More to the point, Landsman operates in the opposite manner wherein the Adcontroller determines what information to retrieve from the advertising server, rather than visa versa.

Regarding claim 30, the Examiner admits that Landsman does not disclose retrieving a list of router identifiers, but asserts that "Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.)(other companies imply other routers.)" (Office Action of 8/11/05,

page 24). However, a review of Wen reveals that Wen not only does not disclose routers; but, instead, merely discusses the transferring of chat sessions. The transfer of chat sessions may not even involve other routers because other companies may be on the same router as a transferring company and, therefore, Wen provides no teaching at all with regard to routers. In addition, there is no mention of any "list of router identifiers" within Wen.

The Examiner asserts with regard to the TRACEROUT limitation that "Nixon extensively discloses this limitation but particularly with reference to Fig. 2" (Office Action of 8/11/05, page 24). However, the disclosure of Nixon is limited to monitoring informational resources, such as websites. As such, there would be no reason to use the TRACEROUTE feature in the context of the claimed invention to identify the locale of the Internet requester for purposes of assigning an agent. As such, the combination of Landsman and Wen clearly fails to teach or suggest this claim limitation.

Claims 31-38 have been rejected as being obvious over Landsman in view of Wen, Nixon and Anderson. With regard to claim 31 the Examiner suggests that the "agent selection application adapted to identify an agent in the identified locale of the closest relative router" is taught by the combination of Landsman, Wen, Nixon and Anderson. However, the Examiner fails to provide any basis for this assertion. In addition, as discussed above, the abstract of Anderson simply discusses the geographic location of a network address. Nixon simply discusses the use of TRACEROUTE for identifying servers. This is entirely different than determining the locale of an IP packet router. As such, these claim elements are also not taught or suggested by the combination.

With regard to claim 32 the Examiner suggests that the "agent lookup table adapted to retrieve a list of agents qualified to service communication sessions with the determined

organization" is taught by the combination of Landsman, Wen, Nixon and Anderson. However, the mere mention of the transfer of chat sessions (as in the referenced sections of Wen) does not teach or suggest retrieving a list of human agents qualified to service communication sessions with the determined organization. As such, these claim elements are also not taught or suggested by the combination.

With regard to claim 33, as well as claims 7 and 21, the Examiner suggests that transferring a URL of the requester to the selected agent is taught by the combination of Landsman, Wen, Nixon and Anderson. However, transferring a URL to a selected human agent in the identified locale of the closest relative router is not taught or suggested by the combination.

With regard to claim 34, as we as claims 8 and 22 the Examiner suggests that the "set of shared files from a browser of the requester" is taught by col. 19, lines 22-46 of Landsman. However, Landsman operates exactly the opposite of the claimed invention. In this regard, it is the browser 7 that downloads the files of the AdController from the server 15, not the other way around. As such, the claim is not taught or suggested by the prior art.

With regard to claim 35, as well as claim 9, the Examiner suggests that the "set of file extension of the shared files" is taught by col. 19, lines 22-46 of Landsman. However, Landsman fails to provide any mention of file extensions, much less any detecting of any file extensions. Since there is no mention or suggestion, the combination fails to provide any support for a rejection of this claim.

With regard to claim 38, the Examiner suggests that the "set of shared files further comprises a cookie" is taught by the combination of Landsman, Wen, Nixon and Anderson. However, the Examiner fails to provide any basis for this rejection. In addition, the claimed use

of a cookie to identify an agent close to an Internet requestor is unique and not taught by the combination of references. As such, this claim is not taught or suggested by this combination of references.

For the foregoing reasons, applicant submits that claims 1-38 are allowable and that the subject application is in condition for allowance, and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

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Dated: _____
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